

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,)	C.A. No. 22-50048
)	D.C. No. CR 2:20-00387-AB-1
Plaintiff-Appellee,)	(Central Dist. Cal.)
)	
v.)	GOVERNMENT'S
)	UNOPPOSED MOTION FOR
STEVEN DUARTE,)	EXTENSION OF TIME TO
)	FILE ANSWERING BRIEF;
Defendant-Appellant.)	DECLARATION OF SURIA M.
)	BAHADUE

Plaintiff-Appellee United States of America, by and through its counsel of record, hereby moves this Court for an extension of the time within which the government must file its answering brief in the above-captioned matter. The government's answering brief currently is due on March 1, 2023. The government requests a 60-day extension of time, up to and including May 1, 2023. Defendant does not oppose this request.

The motion is made pursuant to Federal Rules of Appellate Procedure 26(b) and 27 and Ninth Circuit Rule 31-2.2(b) and is based on

the files and records in this case and the attached declaration of Suria M. Bahadue.

Defendant is in custody serving the sentence imposed in this case.

No court reporter is in default with regard to any designated transcript.

DATED: February 22, 2023

Respectfully submitted,

E. MARTIN ESTRADA
United States Attorney

MACK E. JENKINS
Assistant United States Attorney
Chief, Criminal Division

BRAM M. ALDEN
Assistant United States Attorney
Chief, Criminal Appeals Section

/s/ Suria M. Bahadue

SURIA M. BAHADUE
Assistant United States Attorney
Criminal Appeals Section

Attorneys for Plaintiff-Appellee
UNITED STATES OF AMERICA

DECLARATION OF SURIA M. BAHADUE

I, Suria M. Bahadue, hereby declare and state as follows:

1. I am an Assistant United States Attorney in the Central District of California and a member of my office's Criminal Appeals Section.

2. I am responsible for preparing the government's answering brief in *United States v. Steven Duarte*, C.A. No. 22-50048. On January 27, 2023, defendant-appellant Steven Duarte filed his opening brief after four unopposed extensions of his deadline for doing so. The government has not previously sought any extension of its deadline for filing its answering brief, which presently is due on March 1, 2023.

3. Although I have exercised diligence with respect to this appeal and will continue to do so, I do not anticipate being able to complete the government's answering brief by its current March 1, 2023, due date and anticipate needing an additional 60 days to do so for the following reasons:

a. I did not participate in the district court proceedings. I was assigned to this matter on January 27, 2023. Due to the

assignment date being so recent, I will need extra time to review the record in this case to better prepare a response.

b. I am the AUSA responsible for the government's response to an order to show cause in *United States v. Hammad*, C.A. No. 22-50302, which is due February 27, 2023. As a result, I have been working on the government's response in *Hammad* for the past few weeks. I am also responsible for the government's consolidated answering brief in *United States v. Dorsey*, C.A. Nos. 19-50180 and 19-50182, which presently is due on April 5, 2023.

c. I am responsible for a range of post-indictment prosecutions, which are subject to the requirements of the Speedy Trial Act, and pre-indictment investigations concerning drug trafficking, firearms trafficking, and other crimes, which require completion of time-sensitive assignments.

4. On February 22, 2023, I conferred with counsel for defendant, Deputy Federal Public Defender Sonam Henderson, via email, regarding the requested extension. Counsel informed me that he does not object.

5. Defendant is in custody serving the sentence imposed in this case. No court reporter is in default with regard to any designated transcript.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 22nd day of February in 2023, in Los Angeles, California.

/s/ Suria M. Bahadue

SURIA M. BAHADUE
Assistant United States Attorney